

CRIMINAL HISTORY RECORD CHECKS

GUIDELINES FOR FOSTER CARE, ADOPTION, RESIDENTIAL CARE AND DSCYF EMPLOYEES

Our Mission

Ensuring safeguards and enhancing quality for children in out-of-home care.

Introduction and Purpose

The criminal history record checks are required under Chapter 3, Title 31, Subsection 309 of the Delaware Code. To this end, individuals are mandated to have their criminal history checked prior to employment /approval or during a period of conditional employment/approval.

What is a criminal history record check?

A state (Delaware) and federal (national) report of a persons criminal history and a search of the Department of Services for Children, Youth and Their Families (DSCYF) **records for substantiated cases of child abuse and neglect.**

What is contained in the DSCYF records?

Information about persons the Division of Family Services has found cause to believe, or a court has substantiated through adjudication, to have committed child abuse or neglect.

Who is required to have a criminal history record check?

Individuals 18 and over who have direct access to children in the following categories:

- Employees and volunteers of residential child care facilities licensed by DSCYF.
- Employees and volunteers of day treatment programs licensed by DSCYF.
- Employees and volunteers of DSCYF.
- Employees and volunteers of child placing agencies licensed by DSCYF.
- Applicants for adoption, foster or respite care and their household members.

What is the process for a criminal history record check?

1. Complete a Criminal History Record Request form.
2. Schedule a fingerprint appointment with the Delaware State Police by calling **1-800-464-4357**.
3. Receive a Fingerprint Verification form as proof of being fingerprinted.
4. Delaware State Police forward criminal results to the Criminal History Unit.
5. Criminal History Unit conducts a **DSCYF records** check.
6. DSCYF makes a determination of suitability and sends the results of the criminal history record check to the individual and agency.

What are the grounds for denying employment or approval?

1. Prohibited Offenses- Criminal convictions of a sexually related offense or other offenses against children. Applicants for adoption, foster and respite care must also comply with the Adoption & Safe Families Act (ASFA.) They are determined **prohibited** if they have **felony convictions committed at any time** for child abuse and neglect, spousal abuse, crimes against children, or crimes involving violence **OR felony convictions committed within the past 5 years** for physical assault, battery & drug related offenses.
2. Unsuitable Offenses-

Criminal convictions other than those that are prohibited. These convictions will be reviewed and evaluated by a Criminal History Specialist located in the Criminal History Unit. A recommendation will be made utilizing the following criteria:

- Type of offense (including but not limited to):
 - Offenses against an individual where physical harm or death has taken place.
 - Drug Offenses.
 - Offenses involving weapons, explosive devices or threat of harm.
 - Offenses involving public indecency and obscenity.
 - Offenses that show a disregard of others.
 - Cruelty to animals or deviant behavior.
 - Frequency of offenses
 - Length of time since offense(s)
 - Age at the time of the offense(s)
 - Severity of the offense(s)
 - Record since the offense(s)
 - Current Probationary status as result of the offense(s)
 - Delacare Requirements
3. Child Abuse or Neglect - Cases investigated by the DSCYF identifying the person as a perpetrator in a substantiated case of child abuse or neglect may also result in an unsuitable determination.

What are your agency's responsibilities?

1. Immediately forward the yellow copy of the criminal history record request form to the Criminal History Unit.
2. Ensure that all individuals have been fingerprinted and have provided a Fingerprint Verification form.
3. Maintain a copy of the Fingerprint Verification form for each individual.
4. **Immediately** terminate an individual or deny an individual for adoption, foster or respite care when notified by the Criminal History Unit of a prohibited offense.
5. Notify the Criminal History Unit when an applicant has been terminated from employment or denied approval prior to completion of the criminal history record check.

For More Information Contact:

Mailing: Criminal History Unit
1825 Faulkland Road
Wilmington, DE 19805-1195

Site: Barley Mill Plaza
Building 18
4417 Lancaster Avenue
Wilmington, DE 19805

Phone: (302) 892-5800

Fax: (302) 633-5191

Visit our web site at www.state.de.us/kids/occlhome.htm